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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,589	12/22/2000	Roger W. March	10519/9	2666

757 7590 06/12/2002

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EXAMINER

PORTKA, GARY J

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 06/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/748,589

Applicant
March et al.

Examiner
Gary J. Portka

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2187



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 10, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 104, 106, 107, 109, 111, 112, and 114-124 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 104, 106, 107, 109, 111, 112, and 114-124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13, 15 6) ☐ Other:

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DETAILED ACTION

1. Claims 105, 108, 110, 113, and 125 have been canceled, and claims 104, 106, 107, 109, 111, 112, and 114-120 have been amended by Applicant. Claims 104, 106-107, 109, 111-112, and 114-124 are pending.

Information Disclosure Statement

2. The information disclosure submitted April 10, 2002 (paper no. 13) was considered in part. Applicants stated that 37 CFR 1.98(a)(2) was followed; the rule states that a copy of any portion of an application which caused it to be listed should be included. This was not included; however, one application was readily available and thus was considered. The information disclosure submitted May 28, 2002 (paper no. 15) was considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 114, 116, 117, 119, 120, and 123 are rejected under 35 U.S.C. 102(e) as being anticipated by Leedy, U.S. Patent 6,208,545 B1 (hereinafter "Leedy").

5. As to claims 114, 117, 120, and 123, Leedy discloses a modular three-dimensional electronic releasable memory device, system, and method comprising support element carrying ECC circuitry

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and memory, the memory comprising cells arranged in a plurality of layers stacked vertically above one another in a single chip (see Abstract, Figure 1a, 1c, and 2c, column 3 line 66 to column 4 line 22, and column 6 lines 61-67), with at least one data bit and one ECC bit (inherent for memory with ECC; note as cited below related description of how ECC works in conjunction with Barnett Figure 6). The modular housing protecting the circuits is met by the device shown in Figures 1a and 1c.

6. As to claims 116 and 119, the device of the Leedy is selected from the recited group, since it is semiconductor-transistor-based.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 104, 107, 109, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett, U.S. Patent 6,108,236 (hereinafter "Barnett"), in view of Yoshinogawa, U.S. Patent 6,052,816 (hereinafter "Yoshinogawa"); or alternatively over Barnett in view of Henmi, U.S. Patent 5,469,451 (hereinafter "Henmi").

9. As to claims 104 and 109, Barnett discloses modular electronic releasably connected memory device and method therefor comprising support element carrying ECC circuitry and memory (see Abstract, Figure 5) with at least one data bit and one ECC bit (see Figure 6, DATA and CHECK bits

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of memory 80). The limitation of housing is not further defined in the disclosure, and thus to the extent claimed the housing protecting the circuits is met by the smart card of Barnett.

Barnett does not disclose that the memory is write-once. However, both Yoshinogawa and Henmi show analogous memory devices requiring ECC circuitry which are PROMs; the PROMs disclosed therein are programmable once and thus write-once as recited. An artisan would have desired to be able to integrate the PROMs of Yoshinogawa or Henmi to reduce cost and/or improve performance as taught in the Barnett circuit. Alternatively, an artisan would have desired to implement the device of Barnett using PROM because this would make it compatible with other systems that use it, as taught in Yoshinogawa or Henmi. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use write-once memory, because write-once memories were known to employ ECC circuitry, and this would provide the advantages of integration of the device along with compatibility with circuits using write-once devices.

10. As to claims 107 and 112, the device of the Barnett-Yoshinogawa and the Barnett-Henmi prior art combinations discussed above are selected from the recited group, since they are semiconductor-transistor-based.

11. Claims 106 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett, in view of Yoshinogawa, and further in view of Zhang, U.S. Patent 5,835,396 (hereinafter "Zhang"); or over Barnett, in view of Henmi, and further in view of Zhang; or over Barnett, in view of Yoshinogawa, and further in view of Johnson et al., U.S. Patent 6,034,882 (hereinafter "Johnson"); or over Barnett, in view of Henmi, and further in view of Johnson.

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12. As to claims 106 and 111, neither Barnett nor Yoshinogawa or Henmi disclose that the device is a three-dimensional electronic device. However, Zhang teaches that a write-once memory device is advantageously implemented by a three-dimensional electronic device for improving density (see Abstract, column 1 lines 14-16 and 63-67, and column 2 lines 3-4 and 16-19). Also, Johnson teaches similarly implementing a write-once device as a three-dimensional electronic device to increase the memory density (see Abstract, column 1 lines 14-60, and column 4 lines 11-22). Thus since a three-dimensional electronic device increases the memory density, an artisan would have been motivated to implement a write-once device in the Barnett-Yoshinogawa or the Barnett-Henmi prior art combination discussed above in this manner. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use a three-dimensional electronic device, because write-once electronic devices were well known to have improved memory density by implementing them as a three-dimensional device.

13. Claims 115, 118, and 124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leedy in view of Zhang, or over Leedy in view of Johnson.

14. As to claims 115, 118, and 124, Leedy does not disclose that the three-dimensional electronic device is a write-once device. However, Zhang teaches that a write-once memory device is advantageously implemented by a three-dimensional electronic device for improving density (see Abstract, column 1 lines 14-16 and 63-67, and column 2 lines 3-4 and 16-19); the motivation to implement a three-dimensional device as write-once clearly follows simply due to the desire to have well known write-once capability. Also, Johnson teaches similarly implementing a write-once device

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as a three-dimensional electronic device to increase the memory density (see Abstract, column 1 lines 14-60, and column 4 lines 11-22). Thus since the technology for implementing a write-once device as an electronic device was well known, and that a three-dimensional electronic device increases the memory density, an artisan would have been motivated to implement a three-dimensional device in Leedy in this manner. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use a write-once device, because write-once electronic devices were well known design implementations of memory, and a three-dimensional device improves their memory density.

15. Claim 121 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leedy, in view of Hayashi, U.S. Patent 5,708,667.

16. As to claim 121, Leedy does not disclose that the ECC generator is implemented in software. However, the implementation of ECC in software was well known in the art; Hayashi describes an ECC implemented in software, as shown in Figure 1 and described at column 3 line 11 to column 4 line 13, and at column 7 lines 37-39. An artisan is well aware of the advantages of updatability and adaptability provided by an implementation in software, and these advantages would have motivated one to implement the ECC of Leedy in this manner. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the ECC in software, because this is well known and provides the system adaptability and updatability.

17. Claim 122 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leedy, in view of Anderson, U.S. Patent 6,321,358 B1.

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18. As to claim 122, Leedy does not disclose the ECC generator is part of the file system. However, it was well known to incorporate the ECC with the file system for a storage device, see Anderson Figure 31 and column 22 line 64 to column 23 line 10. An artisan would have recognized the advantage of compatibility with existing file systems implementing ECC to make the ECC generator part of the file system in the implementation of the device in Leedy. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the ECC generator as part of the file system, because this would make of the device of Leedy useable with known file systems which incorporate ECC generation.

Response to Arguments

19. Applicant's arguments filed April 10, 2002 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication from the examiner should be directed to Gary J. Portka at telephone number (703) 305-4033. The examiner can normally be reached on weekdays from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Yoo, can be reached at (703) 308-4908.

Any response to this final action should be mailed to (or faxed as provided below):

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	(After Final communications)
(703) 746-7239	(Official communications)
(703) 746-7240	(Status inquiries, draft communications)

Any inquiry of a general nature relating to this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 305-3900.

Gary J. Portka
Patent Examiner



June 10, 2002